

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Chapter 11

SEARS HOLDINGS CORPORATION, et al., Case No. 18-23538 (RDD)

(Jointly Administered)

Debtors,

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**ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY AND FOR
ABSTENTION**

THIS MATTER, having been presented to the Court by Sandra L. Bonder, Esq. counsel for Creditor/Plaintiff Abel Santiago, on motion for relief from the automatic stay and abstention, due and adequate notice having been given, and the Court having considered the papers submitted, and for good cause having been shown,

IT IS HEREBY ORDERED as follows:

1. The automatic stay is hereby modified solely to the extent necessary to permit the continuation of the Creditor/Plaintiff, Abel Santiago's action against the Debtor K Mart Corporation, in the Supreme Court of the State of New York, Bronx County, entitled, *Abel Santiago v. K Mart Corporation, et. al. Index No. 20823/2014*, provided, however, that Creditor/Plaintiff, Abel Santiago (a) may only recover damages from the proceeds of applicable insurance policies or self-insurance reserves; and (b) shall not attempt to execute or enforce against the Debtor or its estates any judgment or settlement that they may obtain;

2. This Honorable Court abstain from exercising its transfer power regarding Prepetition personal injury litigation and permit said litigation to continue in the Supreme Court State of New York, Bronx County.

Dated: _____, 2019
White Plains, New York

THE HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE